

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

In re UPSTREAM ADDICKS AND
BARKER (TEXAS) FLOOD-CONTROL
RESERVOIRS

Sub-Master Docket No. 17-9001L

THIS DOCUMENT APPLIES TO:

CLODINE II INVESTORS LLC et al

vs.

THE UNITED STATES OF AMERICA

PLAINTIFFS' AMENDED SHORT FORM COMPLAINT BY CONSENT

Per the Court's June 8, 2023 order (#600), Plaintiffs file this their Amended Short Form Complaint by consent.¹ Plaintiffs have conferred with Defendant's counsel, Ms. Kristine Tardiff, who consented to the Plaintiffs' amend short form complaint. This Amended Short Form Complaint is filed with the understanding and agreement that the filing of same is subject to the existing administrative stay, and no answer or other deadlines are triggered.

This Amended Short Form Complaint seeks to: (1) remove and dismiss claimant Ivor Wilfred Foox from the case, and (2) update the property address for claimant John D. Stockman to: 16125 Cairnway Dr., Suite 112, Houston, TX 77084 instead. There are no other changes to the Plaintiffs' Original Short Form Complaint.

Reference is made to the Master Amended Complaint for Upstream Plaintiffs (doc. 18) filed in the above-styled Sub-Master Docket on January 16, 2018 ("Master Complaint"). Plaintiffs

¹ The written consent by the Defendant is attached herein as Exhibit 1.

incorporate by reference and adopt each allegation and cause of action, except any allegation pertaining to class allegations (including but not limited to paragraphs 92-104).²

INFORMATION REGARDING PLAINTIFFS

Plaintiffs allege that, in and around Tropical Storm Harvey in August/September 2017 (“Harvey”), water impounded in Barker Reservoir (up to an elevation of 101.5 feet) and in Addicks Reservoir (up to an elevation of 109.1 feet), resulted in real property (the “Real Property”) and/or personal property (the “Personal Property”) belonging to Plaintiffs being flooded by the impounded water (collectively, the “Government Action”). The allegations are more fully set forth in the Master Complaint.

1. Name of Plaintiffs:

- a. Gerald and Marshherria Wilson
- b. Thomas W. and Jerri L. Jacobs
- c. Amanda Brslik
- d. Tomas and Donna Brslik-Lumicao
- e. Richard G. and Marife Q. Nelson
- f. John D. Stockman

2. The location by address of Plaintiffs’ Real Property subject to Plaintiffs’ allegations of a

Fifth Amendment taking without just compensation, including the property’s tax number:

Plaintiff Name	Address	Tax Number	Property Interest
Gerald and Marshherria Wilson	2610 Sara Ridge Lane, Katy, Texas 77450	1193830010006	Ownership
Thomas W. and Jerri L. Jacobs	2002 Baker Estates Drive, Houston, Texas 77094	1312530010015	Ownership
Amanda Brslik	4511 Turf Valley Drive, Houston, Texas 77084	1068420000025	Ownership

² At this time, Plaintiffs do not seek class treatment and do not opt into any class related to the Master Complaint, unless and until presented with notice of class certification, at which time Plaintiffs will evaluate and determine whether to opt into such certified class, Plaintiffs take no position on class certification.

Tomas and Donna Brslik-Lumicao	15707 Four Leaf Drive, Houston, Texas 77084	1118590000021	Ownership
Richard G. and Marife Q. Nelson	21423 Ganton Drive, Katy, Texas 77450	R144880	Ownership
John D. Stockman	16125 Cairnway Dr., Suite 112, Houston, TX 77084	1338270020002	Leasehold

3. If Plaintiffs held Real Property at more than one location, please identify addresses and corresponding tax numbers for each location:

N/A

4. At the time of the Government Action, please state Plaintiffs' property interest in each of the Real Property(s) listed in response to Questions 2 and 3 (*e.g.* Own, Rent, Leasehold, or other):

Own and/or leasehold.

5. The location by address of Plaintiffs' Personal Property subject to Plaintiffs' allegation of a Fifth Amendment Taking without just compensation is as follows:

Plaintiff Name	Address	Tax Number
Gerald and Marsherria Wilson	2610 Sara Ridge Lane, Katy, Texas 77450	1193830010006
Thomas W. and Jerri L. Jacobs	2002 Baker Estates Drive, Houston, Texas 77094	1312530010015
Amanda Brslik	4511 Turf Valley Drive, Houston, Texas 77084	1068420000025
Tomas and Donna Brslik-Lumicao	15707 Four Leaf Drive, Houston, Texas 77084	1118590000021

Richard G. and Marife Q. Nelson	21423 Ganton Drive, Katy, Texas 77450	R144880
John D. Stockman	16125 Cairnway Dr., Suite 112, Houston, TX 77084	1338270020002

6. If Plaintiffs held Personal Property at more than one location, Plaintiffs identify the location of such other addresses as follows (please list all addresses):

N/A

7. Check all of the following boxes if Plaintiffs assert the same Causes of Action set forth in the Causes of Action section of the Master Complaint. If Plaintiffs elect to assert some, but not all, of the Causes of Action set forth in the Causes of Action section of the Master Complaint, check the boxes that Plaintiffs intend to assert below:

- ☒ Count I – Temporary Taking of a Flowage Easement without Just Compensation in Violation of the Fifth Amendment.
- ☒ Count II – Temporary Taking of Other Property Interests without Just Compensation in Violation of the Fifth Amendment.
- ☒ Count III – Permanent Taking of Damaged and Destroyed Property without Just Compensation in Violation of the Fifth Amendment.
- ☒ Count IV – Permanent Taking of a Flowage Easement without Just Compensation in Violation of the Fifth Amendment.

RESPECTFULLY SUBMITTED,

McGEHEE ★ CHANG, LANDGRAF, FEILER

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF system, which will send notifications of such filing to the CM/ECF participants registered to receive service in this matter.

Dated: June 14, 2023

By: /s/ H.C. Chang
H. C. Chang

CERTIFICATE OF CONFERENCE

I hereby certify that on June 12, 2023, I conferred with Defendant's counsel, Ms. Kristine Tardiff about the filing of this Amended Short Form Complaint. Ms. Tardiff advised that she consents to the Plaintiffs filing this Amended Short Form Complaint, provided that the parties have the express understanding that the filing of the amended complaint is subject to the existing administrative stay; and that no answers or other deadlines are triggered by the filing of either new complaints prior to the expiration of the six-year statute of limitations or any amendments to previously filed complaints. Plaintiffs agree.

Dated: June 14, 2023

By: /s/ H.C. Chang
H. C. Chang